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Application of:) A POWER TRANSMISSION BELT
SOKICHI NOSAKA ET AL) HAVING A MARK THEREON AND A
Ser. No.: 09/772,137) METHOD OF PROVIDING A MARK ON
Filed: 1/29/01) A POWER TRANSMISSION BELT
Examiner: Marcus Charles
Art Unit: 3682

APPELLANT'S SECOND REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

This is a Reply to the Examiner's Answer mailed on January 29, 2008. The Examiner's January 29, 2008 Answer is, with one exception, substantially the same as the Examiner's July 31, 2007 Answer. The Examiner's January 29, 2008 Answer differs primarily in that it includes arguments in section (9) "Grounds of Rejection" that did not appear in the corresponding section of the Examiner's July 31, 2007 Answer. Section (9) will be the focus of this Reply.

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 2-8-08 (date).


Terri Craine

New Grounds of Rejection
to be Reviewed on Appeal

Ground No. 1

The rejection of claims 1, 4-7, 9-28 and 38-41 as obvious under 35 USC §103 over Japanese Patent Publication No. 10252833 (Japan '833) in view of U.S. Patent No. 6,103,349 (Matsumoto), as set forth in section (9) "Grounds of Rejection."¹

Argument

Ground No. 1

For the most part, the arguments made by the Examiner in section (9) "Grounds of Rejection" have already been addressed in Appellant's Reply Brief mailed on August 16, 2007.

In this section, the Examiner argues that Matsumoto "provides the marking (3) on the lateral sides of the belt by having a hiding layer (4) covering the marking on the lateral sides of the belt". The Examiner further states that "[t]he layer protects the marking from coming into direct contact with any object" (at page 8).

At column 4, in lines 4-12 of Matsumoto, specifically referenced by the Examiner, the function of the hiding layer 4 is described. It appears that the function of the hiding layer is not to "cover the mark", as the Examiner contends, but rather to provide a layer against which the mark will contrast to be clearly legible. This interpretation is consistent with the language in Matsumoto in column 4 that reads as follows:

However, in the case that the mark 3 can be sufficiently read without the hiding of the belt texture, for example, when the

¹ The Examiner has not specifically stated which claims are referenced in this section. However, it is assumed that since this section refers to the "appealed claims", this rejection applies to all claims pending on appeal.

cord is not embedded or the mark 3 has larger letters, the mark 3 can be directly provided on the belt side face without using the hiding layer 4. (Lines 8-12)

Thus, the hiding layer 4, as described, is not a protective layer that is separate from and simply **overlies** the mark, but rather a layer that **underlies or surrounds** the mark.

As the Examiner notes in the above language, Matsumoto teaches that the hiding layer can be eliminated. However, Matsumoto does not teach or make obvious any application of the mark, in the absence of the hiding layer 4, that would alter the structure of the belt side surface, as by inscription to a depth as recited by Appellant in each pending claim.

The only specific method of applying a mark, described by Matsumoto, is set forth in column 1, lines 24-38. This method involves transfer of a "mark layer" directly to the belt.

While it is not entirely clear from the disclosure in Matsumoto whether the mark 3 is integral with the hiding layer 4 or is on a transfer layer that is separate from and integrated into the hiding layer 4, nowhere does Matsumoto teach or hint that any structural modification to the belt results, as with inscription.

The Examiner further states on page 9 of the Reply that JP '833 "discloses that the problem of having the marking on the back surface of the belt can be solved by providing a marking with a depth of 0.1-1.0 mm **on the pulley engaging surface** is sufficient enough to maintain the marking without providing a bad influence on the belt and interfering with the mechanical property of the belt". (emphasis added).

Japan '833 does not disclose providing marking on pulley engaging side surfaces as an alternative to marking on the back surface of the belt.

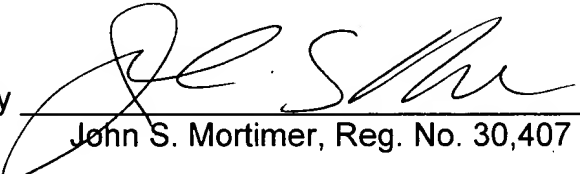
Conclusion

As earlier noted, Japan '833 and Matsumoto disclose two very different manners of applying marks on a belt, with JP '833 focused on applying the mark to the belt back surface and Matsumoto focused on applying the mark to belt side surfaces without any structural alteration thereto. The combination of these two references, as proposed by the Examiner, is not appropriate.

Reversal of the Examiner's rejection of claims 1,4 -7, 9-28 and 38-41 is respectfully requested.

Respectfully submitted,

By


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